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September 26, 2018

Via Electronic Filing

Honorable Magistrate Daniel J. Stewart
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 112
Albany, NY 12207

Re: Thomas v. Sikirica, et al.
Civil Case No.: 1:17-cv-00626 GTS/DJS
Our File No.: 1679-TR20

Dear Magistrate Stewart:

Our firm represents Defendant, Dr. Michael Sikirica with regard to the above-referenced matter.

This case has been selected for the Court's mandatory mediation program. However, at the Rule 16 conference, there was some discussion with Your Honor that mediation may not be productive due to the circumstances of this lawsuit. The parties were advised to contact the Court if they determined that to be the case and to make an application to be excused from the mandatory mediation program.

Defendants have now received a global settlement demand from Plaintiff's counsel. After conferring with counsel for Co-Defendants, Defendants jointly believe that a mediation at this time would not be productive. As such, we would respectfully request that this case be excused from the Court's mandatory mediation program.

In the alternative, should the Court require this case to stay on a mediation track, we would request that the deadline for the completion of mediation coincide with end date

Honorable Magistrate Daniel J. Stewart
September 26, 2018
Page 2

for discovery. We believe this would give the parties a better opportunity to evaluate the case and settlement options at that time.

Thank you for your courtesies and consideration in this matter.

Respectfully submitted,

S/
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CRP/elp

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